IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No. 648 of 2005

Lekh Chnand s/o Shiv Prasad
R/o Ajabpur Kala
Police Station Dalenwala
District Dehradun — Applicant

Versus

1. State of Uttaranchal
2. District & Sessions Judge, Haridwar,
District Haridwar — Respondents

Hon'ble B.C. Kandpal, J

This petition under Section 482 Cr.P.C. has been filed by the petitioner for quashing impugned order dated 4.1. 2005 in Misc Case No.17 of 2004 State Vs Anil Kumar under Sections 147,149,364,302,201 of IPC and order in Misc.Case No. 35 of 2005 State Vs Lekh Chand under Section 446 Cr.P.C. passed by District & Sessions Judge Haridwar.

Heard Shri Manish Arora , learned counsel for the petitioner learned AGA and perused the record.

The learned counsel for the petitioner has argued that the impugned order passed by learned Sessions Judge Haridwar is arbitrary and without any jurisdiction, hence should be quashed.

I do not find any substance in the arguments advanced by the learned counsel for the petitioner. The accused who was facing trial under the aforesaid sections was granted bail by the Sessions Judge Haridwar on 29.7.2003. The accused has been absconding thereafter. The petitioner who stood as surety of the accused , was issued notice to appear on 6.12. 2004 . On 6.12. 2004, the court granted him one month's time to produce the accused. Again on 22.12..2004 the petitioner sought time to produce the accused within one month.

The learned Sessions Judge ,Haridwar vide impugned order dated 4.1.2005 rejected the application stating therein that the petitioner had been given several opportunities for producing the accused before the court but the accused has not been produced as yet.

It is also important to mention here that the impugned order was passed by the Learned Sessions Judge on 4.1.2005 and the petitioner thereafter has not taken any steps either to produce the accused before the court or to seek any redressal against that order which clearly shows that the petitioner is only interested in lingering on the matter.

It appears from the perusal of the record that the petitioner has not approached this court with clean hands and his intention is only to linger on the proceedings pending before the court below and the court below in these circumstances has rightly rejected the application.

I do not find any abuse of process of court in this case.

The petition under Section 482 Cr.P.C. lacks merit and is liable to be dismissed

Accordingly the application is dismissed in limine.

(B.C. Kandpal, J.)

23.09.2005
nbj